

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Joel John Virtue,

Case No. 19-cv-2403 (WMW/DTS)

Petitioner,

v.

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Warden B. Birkholz,

Respondent.

This matter is before the Court on the October 22, 2019 Report and Recommendation (R&R) of United States Magistrate Judge David T. Schultz. (Dkt. 15.) The R&R recommends denying Petitioner Joel John Virtue's petition for a writ of habeas corpus as moot and dismissing this matter. Objections to the R&R were not filed in the time period permitted.

In the absence of timely objections, the Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b) advisory committee's note ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having carefully performed this review, the Court finds no clear error and adopts the R&R.

Based on the R&R and all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The October 22, 2019 R&R, (Dkt. 15), is **ADOPTED**.

2. Petitioner Joel John Virtue's petition for a writ of habeas corpus, (Dkt. 1), is
DENIED as moot.

3. This matter is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 10, 2019

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge